City of Austin

Office of the Police Monitor

2003 Annual Report

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INTRODUCTION

The year 2003 marked the first anniversary of the Office of the Police Monitor's (OPM) service to the City of Austin. With the completion of the OPM's first year came numerous changes, from the departure of Austin's first Police Monitor, Iris Jones, to the hire of her successor, Ashton Cumberbatch Jr., and finally to the evolution of data collection methods, case classifications, and complaint processes. All in all, these changes have improved upon the strong foundation laid by Ms. Jones and her staff in 2002 and aided in the creation of the present report.

In 2002 the OPM reviewed a total of 273 complaints. The number of complaints processed in 2003 increased to a total of 421 complaints. The increase in complaints can be viewed as a testament to the successful outreach efforts of the OPM staff and the community's trust in the objectives of the OPM.

OPM MISSION

The OPM is the main location for accepting and filing the general public's complaints against officers of the Austin Police Department (APD). Through numerous outreach efforts, the OPM aims to educate the community and law enforcement and promote the highest degree of mutual respect between police officers and the public. The OPM seeks to enhance public support, trust, and confidence in the fairness and integrity of APD through the fostering of honest dialogue relating to issues and incidents that affect APD and the community.

Duties:
- Assess complaints about APD police officers from the public;
- Monitor APD's entire process for investigating complaints;
- Attend all complainant and witness interviews;
- Review the patterns and practices of APD officers;
- Make policy recommendations to the Chief of Police, City Manager, and City Council; and
- Help the Citizen Review Panel (CRP) fulfill its oversight duties.

To file a complaint with the OPM, a person can contact our office by phone at (512) 974-9090, by fax at (512) 974-6306, by e-mail at policemonitor@ci.austin.tx.us, or in person. Our office is located in the Twin Towers Office Building, at 1106 Clayton Lane, Suite 100E.

INTRODUCTION TO AUSTIN'S POLICE MONITOR

Ashton Cumberbatch, Jr. was appointed Police Monitor of the City of Austin Office of the Police Monitor by City Manager Toby Futrell on November 03, 2003. Mr. Cumberbatch is not new to public service in the city of Austin. He has been serving the Austin community through connecting, coaching, and resourcing for several years prior to his appointment at the OPM. In addition to co-pastoring an Austin congregation for several years, he has also served as a partner at McGinnis, Lochridge & Kilgore, LLP, as Chief of Trial Courts for the Travis County District Attorney's Office, and as founder of Cumberbatch & Associates and Cumberbatch Consulting. Mr. Cumberbatch currently serves on the board of directors or advisory boards of March for Jesus USA/Jesus Day, the Greater Austin Chamber of Commerce, KLRU, Austin Free-Net, Envision Central Texas, and the Austin Metropolitan YMCA. He is a former board member of Lifecare Pregnancy Center and Austin Partners in Education. He also serves on the steering committee of Champion Austin, is a member of the Austin Area Research Organization, and is a co-author of the *Austin Pastors' Covenant for Racial Reconciliation and the Commitment for Racial Reconciliation*.

As Police Monitor, Mr. Cumberbatch is responsible for managing the Office of the Police Monitor, reviewing and monitoring critical incidents and investigations, communicating with APD as well as the Internal Affairs Division (IA), making policy recommendations to the City Manager, City Council and the Chief of Police, and raising public awareness of the duties of the Office of the Police Monitor.

AWARDS & RECOGNITIONS

In 2003 the Austin Chronicle selected the Office of the Police Monitor as the "Best First Step." This recognition reflected both a strained relationship between APD and the community and a willingness to mend the broken bond.

Best First Step
The Austin Office of the Police Monitor

The Wheel of Justice moves by very slow degrees, and thus far the OPM has won more public-relations battles than judicial ones – but a journey of several thousand miles has to begin somewhere. Austin's cops are rightly proud of their standards and practices, but there is plenty of room for improvement – and simply having an official source for public input and output is a small but important leap forward. There is still a long way to go – procedures, training, and oversight all need work – but if we are to get there from here, the monitor's office will provide a cutting edge.

THE AUSTIN CHRONICLE

Best First Step

The Austin Office of the Police Monitor
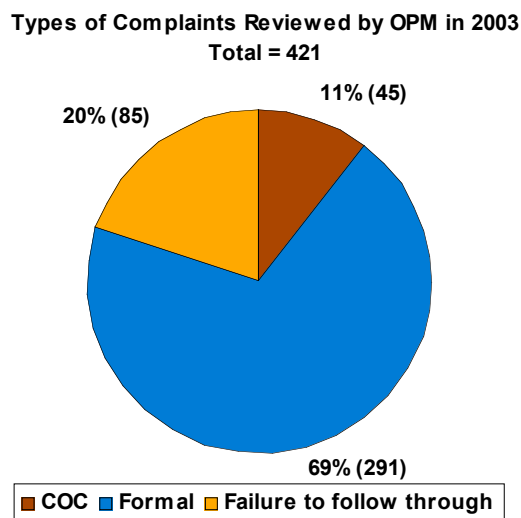
austinchronicle.com

2003 FINDINGS

General Complaint Information

In 2003 the OPM reviewed 421 complaints consisting of 714 allegations. These figures represent an increase from 2002 when 273 complaints and 465 allegations were reviewed. Of the cases reviewed by the OPM in 2003, 69 percent were filed as **Formal** complaints through APD's Internal Affairs Division (IAD), and 22 percent failed to become mature complaints because the allegations did not constitute a policy violation or the citizen did not follow up. Eleven percent were pursued as supervisory, or **Chain of Command (COC)** inquiries. In 2002 and 2003 the OPM referred to these types of cases as "Supervisory" complaints. Due to similar terminology within APD, the term referring to these cases has since changed to "Chain of Command" inquiries, and will be referred to as COC inquiries in the remainder of this report. The numbers in parentheses in the charts below are the numbers associated with each percentage.

Chart 1.

Types of Complaints Reviewed by OPM in 2003
Total = 421

Legend: COC | Formal | Failure to follow through

Formal Complaints

Formal complaints[i] are typically divided into two distinct types:

1) **Internal** – complaints filed by an APD officer, typically a member of the Chain of Command, against another APD officer.

2) **External** – complaints filed by a civilian against an APD officer.

Of the 291 complaints processed, 73 percent (211) were external complaints and 27 percent (80) were internal cases. This finding does not necessarily mean that more complaints are filed by civilians rather than APD. The OPM does not review every internal case as many are minor incidents normally handled by the Chain of Command, such as minor traffic violations. However the OPM is privy to all cases investigated by IAD, including all **critical incidents,** which include

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[i] In 2002 Formal complaints were not divided into Internal and External. The classification of cases in this manner was implemented to distinguish between complaints from within and outside of APD.

cases involving officer shootings and any other incident resulting in serious bodily injury or death of a person.[II] In 2003 the OPM monitored the investigation of one critical incident.

Chart 2.

Type of Formal Complaints in 2003
Total = 291

27% (80)

73% (211)
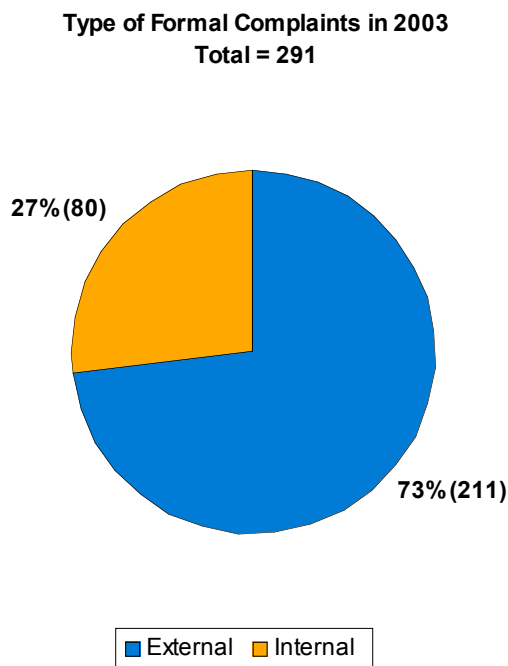
■ External ■ Internal

When a formal, external complaint is filed against an APD officer, IAD evaluates and labels the complaint according to the seriousness of the allegation before the investigation ensues. The complaint is categorized either as:

- **A** (allegations of a serious nature);

- **B** (less serious violations of department policy, rules, and regulations);

- **C** (allegations that do not rise to the level of a policy violation, but contain a training or performance issue; complaints initiated after a reasonable period of time; allegations made against an officer who cannot be identified; allegations of a less serious nature and the complainant refuses to cooperate; and/or allegation involves an ongoing criminal investigation – IAD will investigate the administrative violations after the criminal investigation is completed);

- **D** (no allegation or misconduct by officer); or

- **Administrative Inquiry** (no allegation of misconduct but the matter is considered of concern to the public and/or the department).[III]

As can be seen in Chart 3, in 2003 50 percent of external cases reviewed by the OPM were classified as "B" complaints, while approximately 16 percent were classified as "A" complaints,

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[II] Definition of critical incident extracted from APD's General Orders, Policies, and Procedures, A109.01
[III] Classifications further defined in APD's General Orders, Policies, and Procedures, A109.04.

16 percent were classified as "C" complaints, and another 17 percent were classified as "D" complaints. Less than 1 percent of citizen complaints were categorized as "Administrative Inquiries." Only cases categorized as "A" or "B" are fully investigated;[IV] these classifications resulted in two-thirds (66 percent) of external cases being investigated.

Chart 3.

IAD Classification of External Complaints in 2003
Total = 211

1% (2)
17% (35)
16% (33)
16% (34)
50% (107)

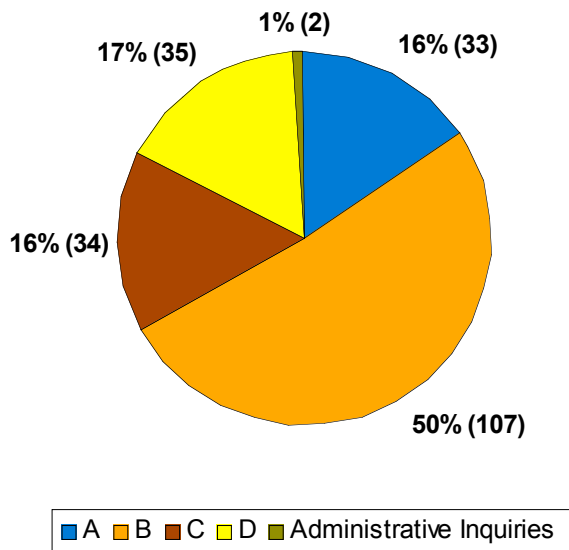■ A ■ B ■ C □ D ■ Administrative Inquiries

Chart 4 below shows a similar breakdown for internal cases. In contrast to external cases, a majority of internal cases reviewed by OPM were classified as "A" complaints (56 percent). Another 16 percent were classified as "B" complaints. Few were classified as either "C" (9 percent) or "D" (1 percent) complaints, and 18 percent were classified as "Administrative Inquiries." These classifications yielded full investigations in 73 percent of the internal cases compared to 66 percent of the external cases.

[IV] C cases are reviewed by a sergeant and lieutenant in IA but are not assigned to an IA detective for investigation.

Chart 4.

IAD Classification of Internal Complaints in 2003
Total = 80
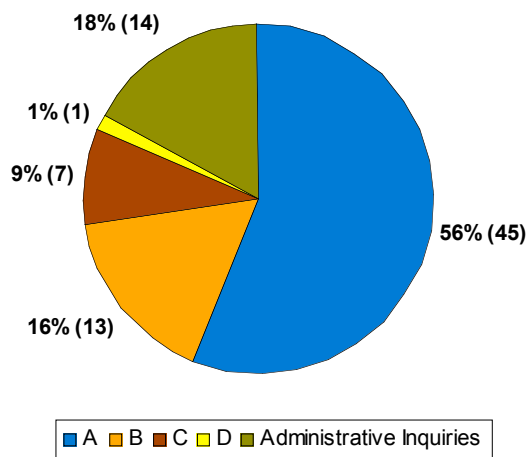
Since some minor internal complaints processed by IA and handled by the Chain of Command are not monitored by the OPM, it is difficult to make a direct comparison between external and internal case statistics. It is not surprising that 16 percent of the external cases were classified as "A" while 56 percent of the internal complaints are classified as "A" with the result that internal cases being investigated at greater rates than external cases. There are a few practical reasons that may explain this distinction between internal and external cases:

1) Internal cases include critical incidents, which by definition are always classified as "A" due to the severity of the allegations;

2) Internal cases are filed by fellow officers who are familiar with APD's General Order. External cases typically involve civilians who are not familiar with these orders filing complaints; and

3) Supervisors generally do not file formal complaints about less serious incidents. Instead less serious issues are usually addressed by the Chain of Command directly with the officer through counseling or training.

The trend of higher severity attributed to internal versus external cases warrants further review and analysis.

Once IA classifies and investigates a case, the OPM reviews it and assigns an agreement value ranging from **Agree** to **Somewhat Agree** to **Disagree**. This measure helps to denote the level of concurrence between IA and the OPM on case classification. Concurrence between the two agencies for each type of case classification can be seen in the table below. The greater levels of disagreement appear to be in external cases classified as "B" or "C" and internal cases classified as "Administrative Inquiries."

In most cases where a case is classified as a B case, disagreement usually indicates:

- The OPM believed the allegations pertaining to the case were serious allegations and warranted an A classification.
- Disagreement with C cases mostly stems from the OPM believing that these cases should undergo the full investigative procedure rather than simply be reviewed by a sergeant and lieutenant in IA.

Disagreement in Administrative Inquiries is more difficult to decipher.

Table 1. OPM Assessment of IA Classification

IA Classification	OPM Agreement	
	External Cases	**Internal Cases**
A	75%	86%
B	62%	92%
C	71%	100%
D	80%	100%
Administrative Inquiry	100%	71%

Numbers in red signify an agreement of less than 75%.

Chain of Command (COC) Inquiries

As mentioned above, the OPM also processes COC's. COC cases are initially handled by the individual officer's supervisor and sometimes his entire Chain of Command. This process was developed jointly by the OPM and IAD as an option for civilians with minor complaints, particularly for those that desire to talk directly to the officer's supervisor. If a civilian chooses the COC route, her complaint is put into writing and forwarded to the IAD Commander, who sends the complaint to the officer's immediate supervisor. The supervisor then reviews the case, determines the fundamental facts and calls the civilian to try to resolve the matter. Corrective action for these complaints usually involves counseling and/or additional training.

At the end of the COC process, if a citizen feels that her inquiry was not resolved to her satisfaction, she retains the right to file a Formal complaint. Formal complaints require a person to complete the required forms at OPM and provide IA with a sworn statement of the complaint. An OPM representative stays with the complainant during the IA interview process to monitor thoroughness, respect and fairness.

Other police oversight agencies, such as San Jose's Independent Police Auditor, employ similar informal methods to handle citizen complaints that do not require a formal investigation. Citizens often prefer to handle their complaints or concerns as COC inquiries, mostly due to the brevity of the process.

COC inquiries can be filed at the OPM in person, over the phone, or by e-mail. Because of the different types of communication, the OPM does not always collect complainant demographic data points normally available with formal complaints.[v] Due to the inconsistency in data collection for COC complainants' demographics, the remainder of this report will focus on formal complaints.

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[v] Although demographic data were not systematically collected during 2003, the OPM currently assesses as much of this information as possible. It is anticipated that similar statistics will be more prevalent and included in future reports.

Complainant Demographics for Formal – External Cases

As can be seen in the graphs below, contrary to some misconceptions, complainants are not only minorities from East Austin. Complainants in 2003 represented diverse demographic and geographic characteristics. For example, in 2003 of the 211 complainants 33% self-identified as White, 29% as Black, and 31% as Hispanic/Latino; and 14% of the incidents occurred in the Central East sector compared to 12% in the Southwest sector.

The figures show a drop in the number of complaints from Whites and Blacks as well as an increase in the number of complaints from Hispanics/Latinos from 2002 to 2003. The change in the number of complaints from each ethnic group should be interpreted with caution – 2003 figures reflect formal complaints only, whereas the 2002 figures included all complaints.

Chart 6.

Race/Ethnicity of Complainants of External Cases for 2002 and 2003
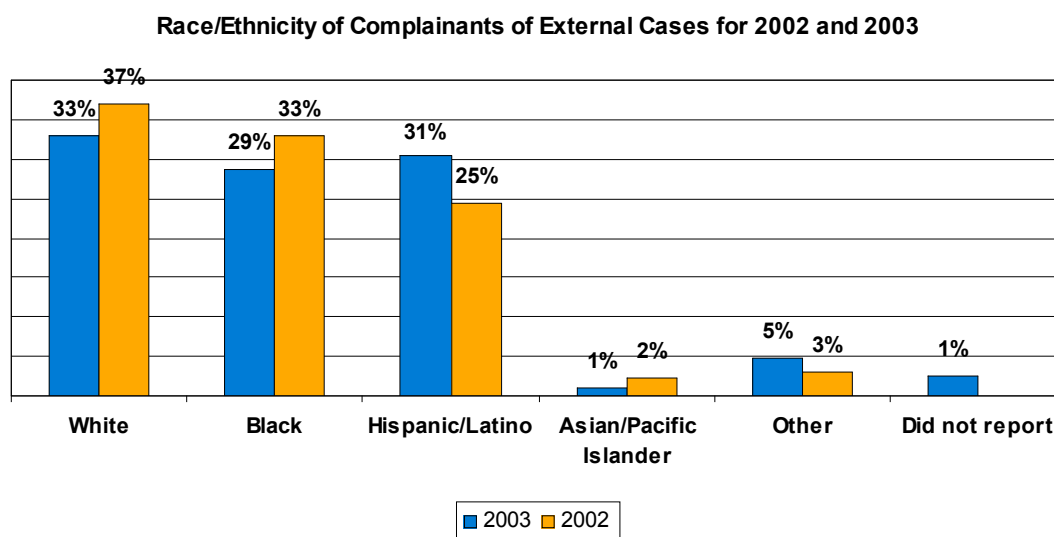
The OPM received few complaints from Asian/Pacific Islander complainants and other ethnic groups, with only 6 percent of complainants self-identifying in these ethnic groups.

Complainants of external cases also varied in age. Most of the complainants (82 percent) reported being between the ages of 20 and 49 years. About 7 percent of complainants reported being in their teens, and 9 percent reported being 50 years of age or older.

Chart 7.

Age of Complainants of External Cases in 2003
Total = 211
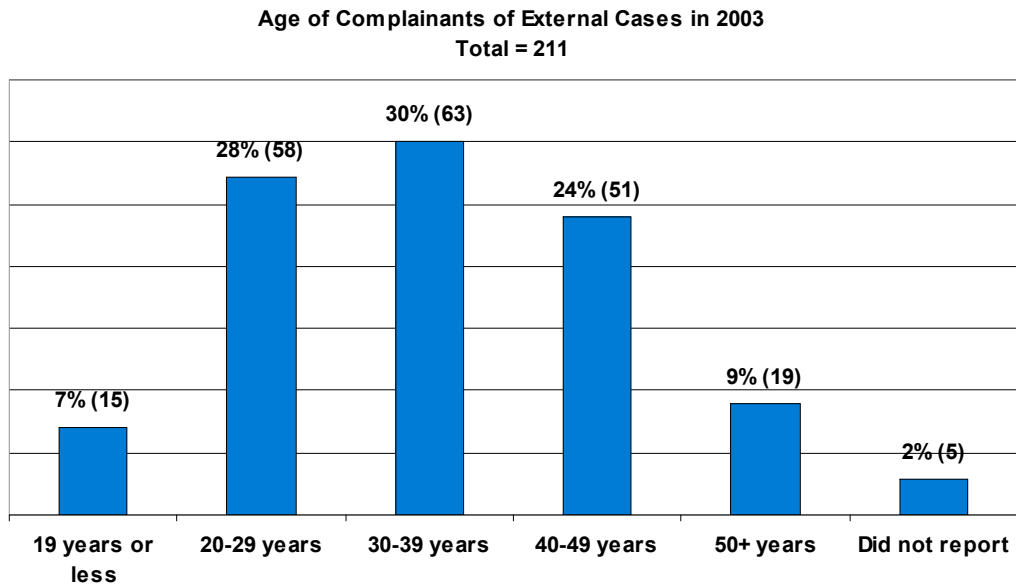
A majority (58 percent) of the individuals who filed external complaints were male. Women represented 41 percent of complainants. One person did not report his/her gender. These gender proportions are similar to those of 2002 (male = 56 percent, female = 44 percent).

Chart 8.

Gender of Complainants for External Cases in 2003
**Total = 211**
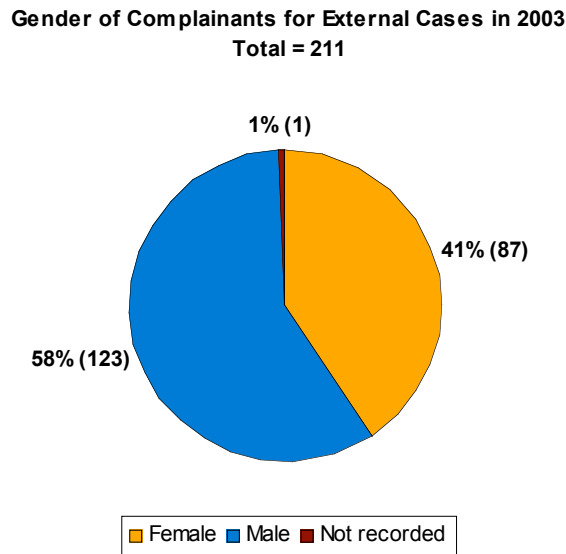
Information including the physical address or intersection of an incident is gathered from the complainant and IAD when a complaint is filed. That location is then placed in the appropriate APD sector.[VI]

[VI] In 2003 APD added two new sectors. These new sectors cover the south central and north central areas of Austin.

As can be seen in Chart 9, some areas of Austin are cited in complaints more frequently than other areas. For instance, a majority (51 percent) of the incidents occurred in the southeast (SE), downtown (DTAC), and central east (CE) sectors. The next most commonly reported areas where complaint incidents occurred were the southwest (SW), northeast (NE), and northwest (NW) areas of town. These accounted for 33 percent of complaint incidents. Few incidents (13 percent) occurred in the central west (CW), south central (SC), and north central (NC) parts of Austin. It is important to consider that the SC and NC designations were created in the latter part of 2003. Changes in the number of complaints in these new sectors will be monitored in subsequent reports.

Chart 9.

Area of Complaint Incidents for External Cases in 2003
Total = 211
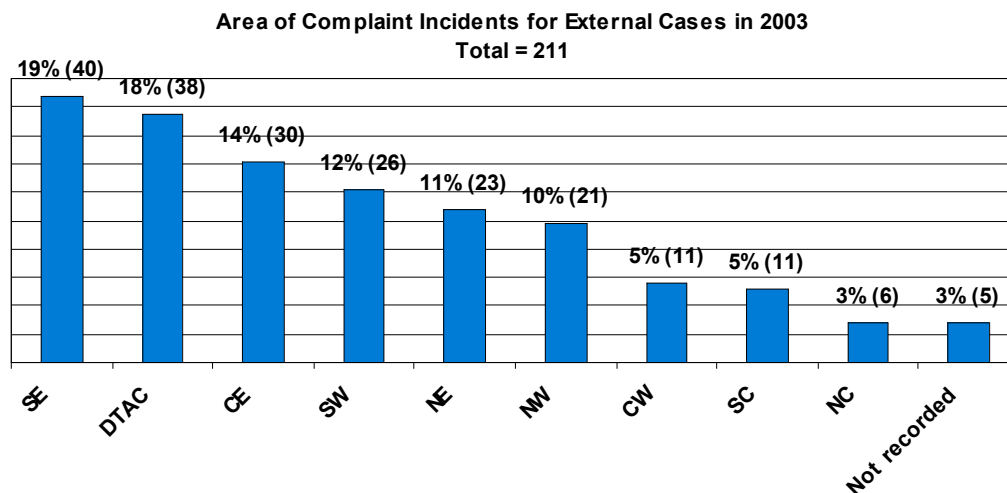
Types of Allegations Made in 2003

In 2003 714 allegations of misconduct were processed compared to 465 allegations processed in 2002. Of the 714 allegations, 329 (46 percent) were allegations from investigated external cases, and 150 (21 percent) were allegations from investigated internal cases. The figures shown below exclude information on "C," "D" and Admin Inquiry cases since these cases did not lead to full investigations.

The charts below also do not include a comparison between 2002 and 2003 allegations due to the difference in allegation categorization between the two years.[VII] In 2003 allegations were categorized according to APD's General Orders, Policies, and Procedures. The most common allegations, shown in Charts 10 through 16, included the following:

- **Compliance** (e.g., knowing, understanding, complying with, and reporting violations of laws, ordinances, and governmental orders);

- **Individual Responsibilities** (e.g., honesty, acts bringing discredit to the department, police action when off-duty, etc.);

[VII] In 2002 seven categories of misconduct were used, including bias, excessive force, failure of duty, honesty, negligence, oppressive behavior, and responsibility to community.

- **Responsibility to the Community** (e.g., courtesy, impartial attitude, duty to identify, etc.);

- **Responsibility to the Department** (e.g., loyalty, accountability, duty to take action, etc.);

- **Responsibility to Co-Workers** (e.g., relations with co-workers, sexual harassment, etc.);

- **Use of Force** (e.g., deadly force, less-lethal force, use of weapons, including TASER's, etc.); and

- **Proper Procedure** (i.e., all other allegations not covered by the preceding).

Using the categories to analyze allegations of external cases, findings revealed 76 percent of allegations involved a breach in **responsibility to the community** (33 percent), failure to follow **proper procedure** (23 percent), or questionable **use of force** (20 percent) issues. The remaining allegations involved issues of **individual responsibilities** (11 percent), **officer compliance** (10 percent), and **responsibility to the department** (3 percent).
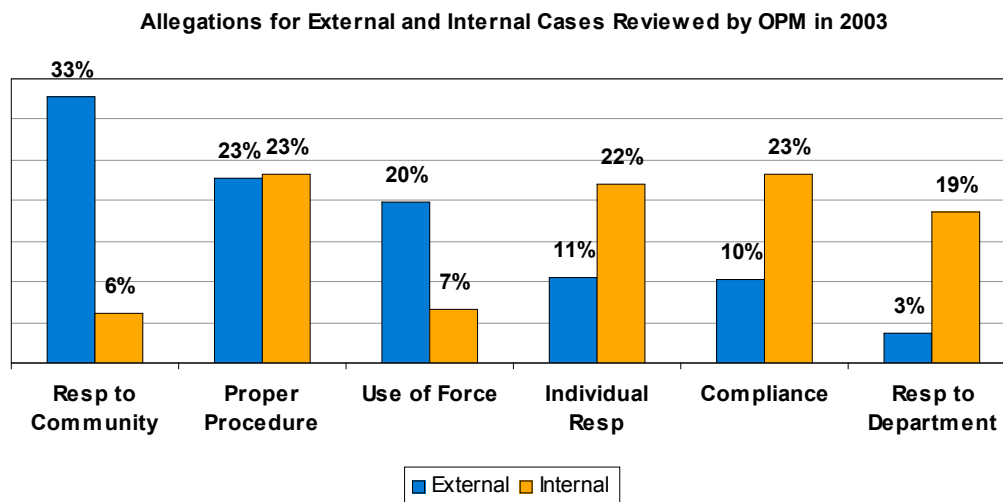
For internal cases, 68 percent of the allegations involved **officer compliance** (23 percent), failure to follow **proper procedure** (23 percent), and **individual responsibility** (22 percent) issues. The remaining internal allegations involved **responsibility to the department** (19 percent), **use of force** (7 percent) and **responsibility to the community** (6 percent) policies.

While it is important to note that these figures do not include all 2003 administrative investigations (minor internal cases are investigated by the Chain of Command), these findings suggest a trend where complaints arising from within the community appear to be of a different nature than those originating from within APD.

Three of the most striking dissimilarities can be seen in the difference between internal and external allegations involving responsibility to the community, responsibility to the department and use of force. One factor that could help explain the difference in allegations dealing with responsibility to the community and responsibility to the department is vantage point. It seems more plausible that the police would be more aware of breach of responsibility to the department and that the community would be more aware of breach of responsibility to the community.

But it is not certain what would yield the difference in numbers between the community and the department regarding use of force allegations, other than the distinct perspectives that the two groups have about what constitutes excessive force. This interesting trend warrants further examination.
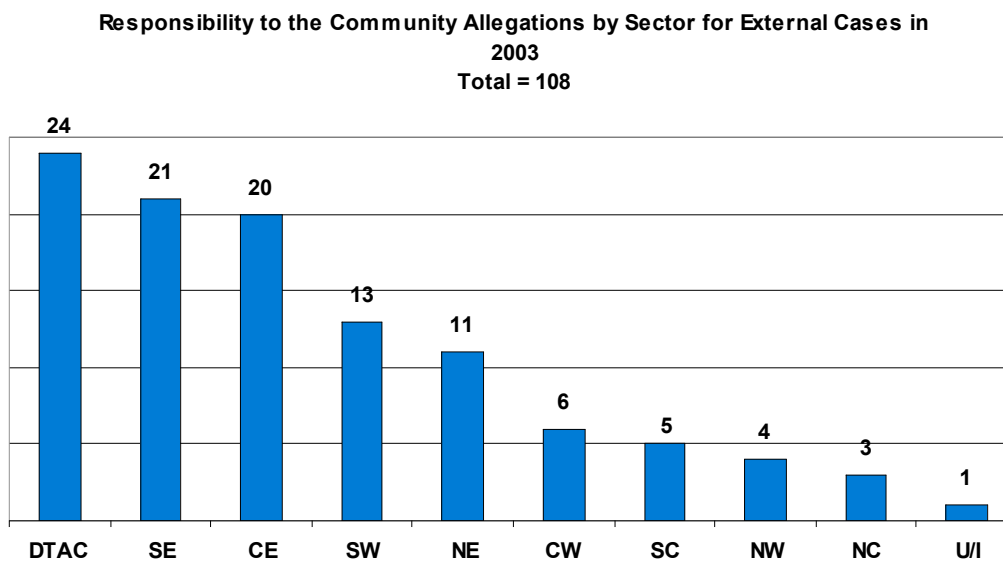
Chart 10.

Allegations for External and Internal Cases Reviewed by OPM in 2003

Resp to Community: External 33%, Internal 6%
Proper Procedure: External 23%, Internal 23%
Use of Force: External 20%, Internal 7%
Individual Resp: External 11%, Internal 22%
Compliance: External 10%, Internal 23%
Resp to Department: External 3%, Internal 19%

Legend: ■ External ■ Internal

Charts 11 through 16 show the number of specific allegations by sector. Raw numbers are used in order to retain the integrity of the data and present the figures in an objective manner. Because APD officers are the complainants in internal cases, the OPM did not collect demographic information on complainants for internal cases.

The most often occurring allegations are discussed first – those involving responsibility to the community, failure to follow proper procedure and use of force policies. As can be seen in Charts 11 and 12, most of the allegations involving responsibility to the community and failure to follow proper procedure were reported to have happened in the DTAC, SE, and CE sectors. The DTAC and SE sectors also saw the most use of force allegations, 24 and 21 allegations respectively.

Chart 11.

Responsibility to the Community Allegations by Sector for External Cases in 2003
Total = 108

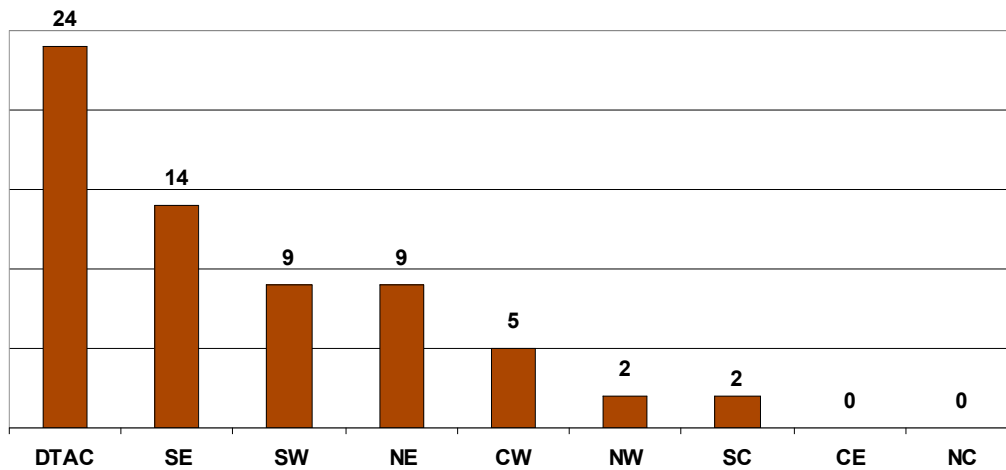DTAC 24, SE 21, CE 20, SW 13, NE 11, CW 6, SC 5, NW 4, NC 3, U/I 1

Chart 12.

Proper Procedure Allegations by Sector for External Cases in 2003
**Total = 75**
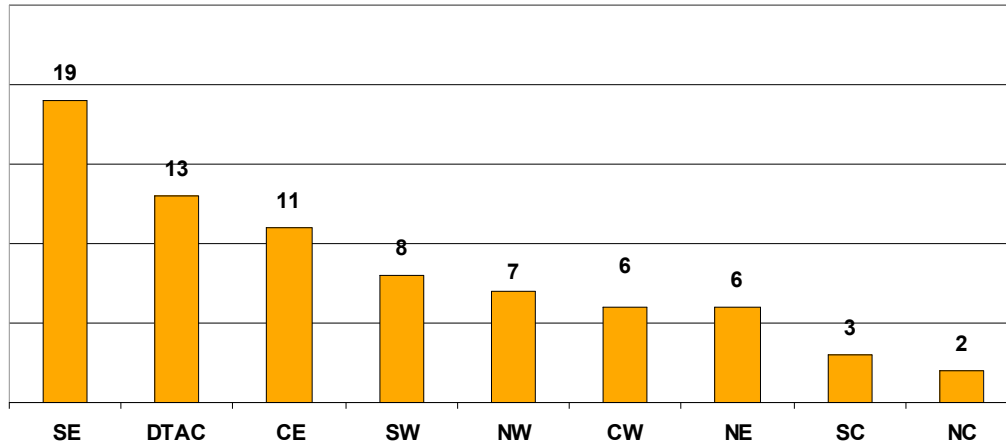
Chart 13.

Use of Force Allegations by Sector for External Cases in 2003
Total = 65

Charts 14 through 16 show that few of the investigated external cases involved allegations of individual responsibilities, compliance, and responsibility to the department.

Chart 14.

Individual Responsibility Allegations by Sector for External Cases in 2003
Total = 35

Sector	Value
DTAC	8
CE	5
U/I	5
SE	4
SC	4
CW	3
SW	3
NW	1
NE	1
NC	1
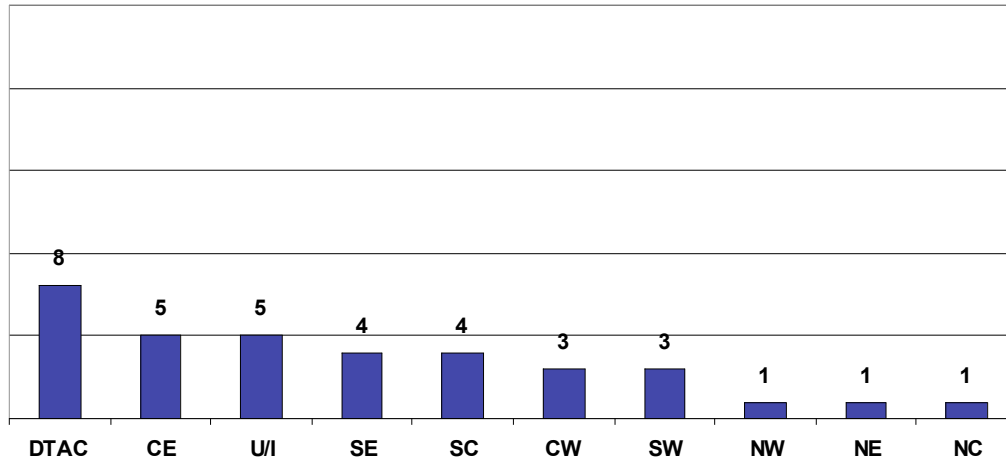
Chart 15.

Compliance Allegations by Sector for External Case in 2003
Total = 34

Sector	Value
DTAC	9
SE	6
CE	5
NE	4
NC	4
SW	2
CW	1
NW	0
SC	0
U/I	3
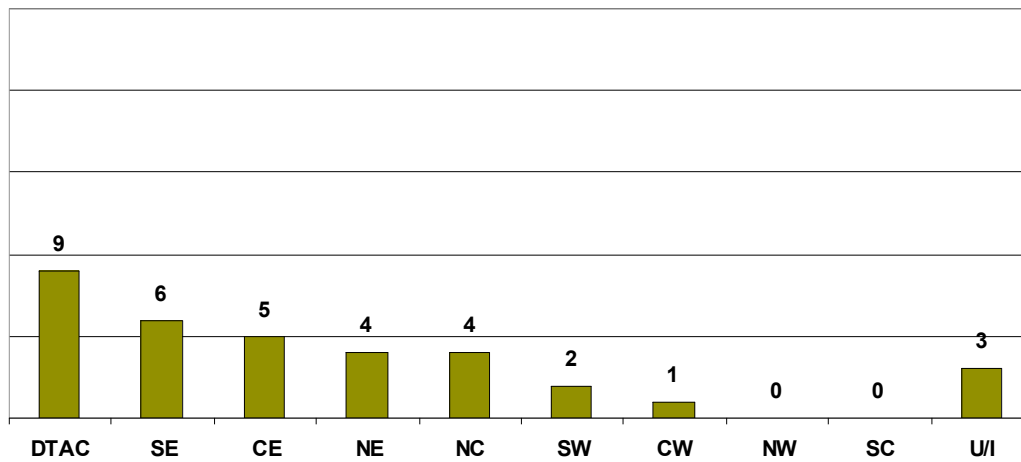
Chart 16.

Compliance Allegations by Sector for External Cases in 2003
Total = 12

NE	SE	DTAC	NW	CE	SW	SC	CW	NC
4	2	2	1	1	1	1	0	0
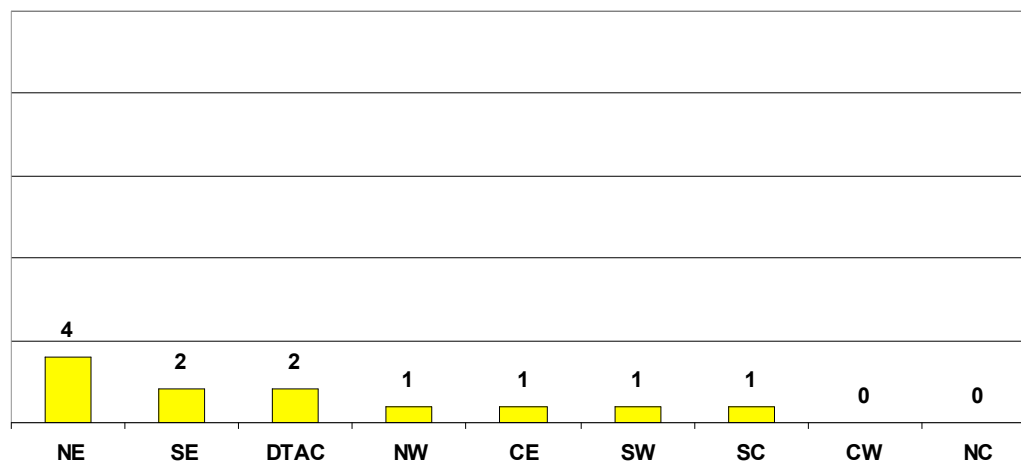
In summary, it appears that more frequently occurring allegations – responsibility to the community, failure to follow proper procedure, and use of force – are more often reported by civilians as occurring in the SE, CE, and DTAC sectors.

APD/IAD and OPM Case Recommendations

For formal cases IAD and each officer's Chain of Command make independent recommendations for each allegation investigated. Allegations are reviewed and classification recommendations made using the following categories:

- **Exonerated -** incident occurred but considered lawful and proper;

- **Sustained -** allegation supported or misconduct discovered during investigation;

- **Unfounded -** allegation is considered false or not factual;

- **Inconclusive -** insufficient evidence to prove/disprove allegation; or

- **Administratively Closed** - no allegations were made or misconduct discovered and/or complaint closed by supervisor.[VIII]

In 2003 78 percent of the allegations for investigated external cases ("A" and "B" cases) were either "Unfounded" or "Exonerated," 10 percent of allegations were "Sustained," 12 percent of allegations were found to be "Inconclusive" and less than 1 percent of the allegations were "Administratively Closed."[IX]

[VIII] Definitions extracted from APD's General Orders, Policies, and Procedures, A109.08.
[IX] This total does not include eight allegations in which a distinct categorization was used.

Chart 17.

IA Recommendations for External Cases in 2003
Total = 328
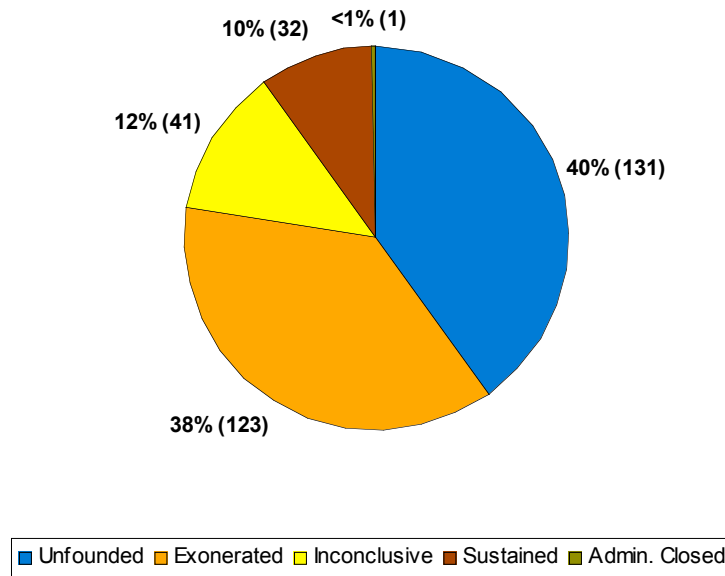
After IAD completes their investigation the case comes to the OPM for review. In addition to auditing the allegations and the IAD recommendations made for each allegation, the OPM notifies IAD about whether the OPM agrees or disagrees with IAD's conclusions. The OPM also makes its own recommendations for each allegation. As shown in Chart 18 below, the OPM agreed with 66 percent of IAD's recommendations and disagreed with 34 percent of the recommendations made on external cases.

Chart 18.

OPM Assessment of IA Recommendations for External Cases in 2003
Total = 328

28% (94)

6% (19)

66% (215)

■ Agree ■ Somewhat Agree ■ Disagree
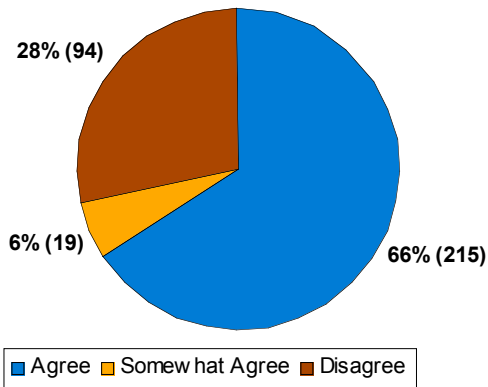
In contrast to external case allegations close to half (49 percent) of the internal case allegations reviewed by the OPM were "Sustained." Another 24 percent of allegations were "Unfounded," 16 percent were considered "Inconclusive" and 11 percent were "Exonerated." Additionally, no cases were "Administratively Closed." The OPM agreed with 85 percent of the recommendations made by IAD and disagreed or somewhat disagreed with 15 percent of the recommendations made on internal case allegations.
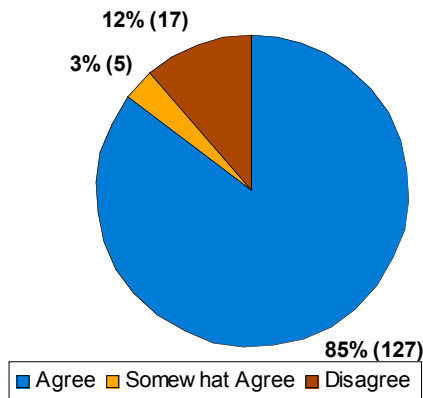
Chart 19.

IA Recommendations on Internal Cases in 2003
Total = 149

11% (16)

24% (36)

49% (73)

16% (24)

■ Sustained ■ Inconclusive ■ Unfounded ■ Exonerated
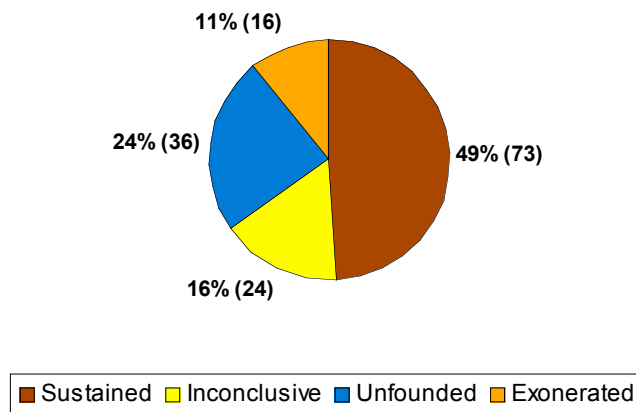
Chart 20.

OPM Assessment of IA Recommendations for Internal Cases in 2003
Total = 149

12% (17)

3% (5)

85% (127)

■ Agree ■ Somewhat Agree ■ Disagree

In summary, while IAD and the OPM have a relatively high concurrence rate on the conclusions of allegations for both external and internal cases, agreement was greater for internal cases. These findings reveal a pattern of disparity between external and internal cases similar to that seen in the review of case classifications. The difference in agreement could be due in part to internal cases being initiated by officers. In these instances, complaints are filed by someone who is familiar with APD's General Orders. In external cases initiated by civilians, complaints are generally filed by civilians who are likely not familiar with the General Orders whose decision to file was based on their personal belief of right and wrong.

One striking difference between the conclusions of allegations for external versus internal cases is the large percentage of external cases determined to be "Unfounded" and the corresponding low incidence in internal cases. ("Unfounded" is defined in the APD General Orders as "not factual or a false allegation.") As with some of the similar disparities noted above, the difference between conclusions for external and internal cases warrants further analysis.

Demographics for APD Officers Involved in External Complaints

Though there were 329 allegations made in the 211 external cases filed in 2003, only 270 APD officers were subject officers[x] in these complaints. As shown in Chart 21, 66 percent of external complaints involved White officers. The race/ethnicity of subject officers very closely matches the race/ethnicity distribution of all of APD's officers, with the exception of White officers who are slightly over-represented in complaints.

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[x] Subject Officer is defined as an officer who is being investigated for misconduct.

Chart 21.

Race/Ethnicity of Officers in 2003

Legend: ■ Subject Officers ■ All Sworn APD Officers
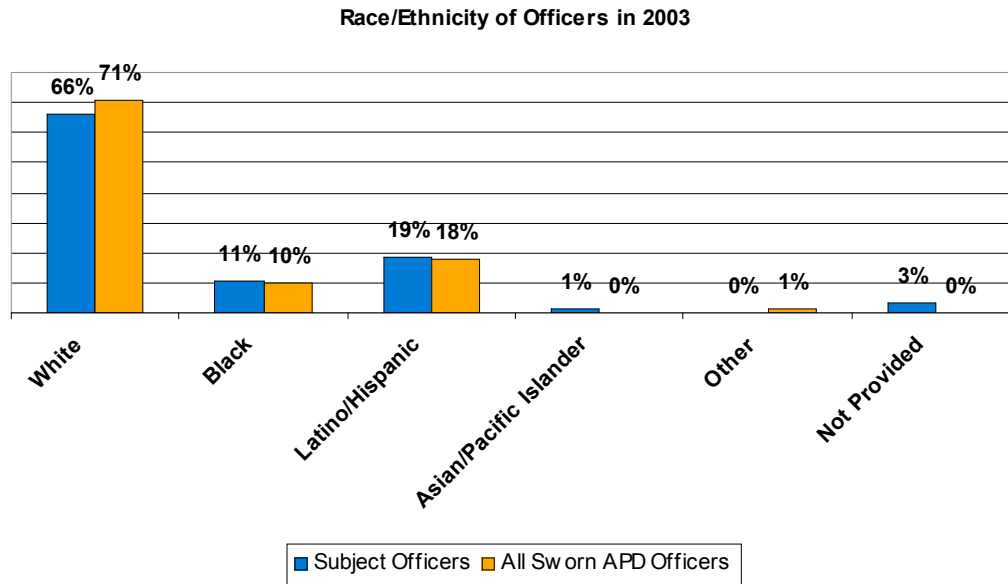
As noted in Chart 22, most external complaints filed (91 percent) were filed against male officers rather than female officers. This gender breakout also closely matches the gender proportions of all APD officers (male 89 percent; female 11 percent).

Chart 22.

Gender of Officers Involved in External Cases in 2003
Total = 270

Legend: ■ Female ■ Male
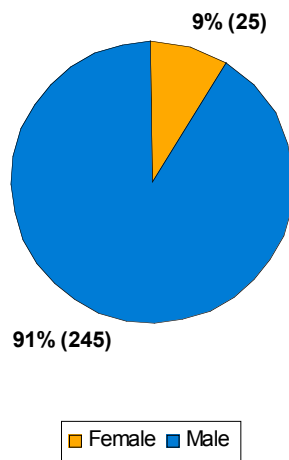
An additional data point included in the analysis of officers involved in external complaints was **years of service** with APD. As can be seen in Chart 23, 68 percent of subject officers have been with APD for nine years or less. While this finding suggests that officers with less experience are more likely to have a complaint filed against them, it is important to note that this

finding only includes external cases. It would be interesting to analyze officer rank in addition to years of service when examining the characteristics of subject officers.

Chart 23.

Years of Service for Officers Involved in External Cases in 2003

Category	Value
not recorded	2% (6)
15+ years	16% (44)
10-14 years	14% (37)
5-9 years	32% (86)
0-4 years	36% (97)
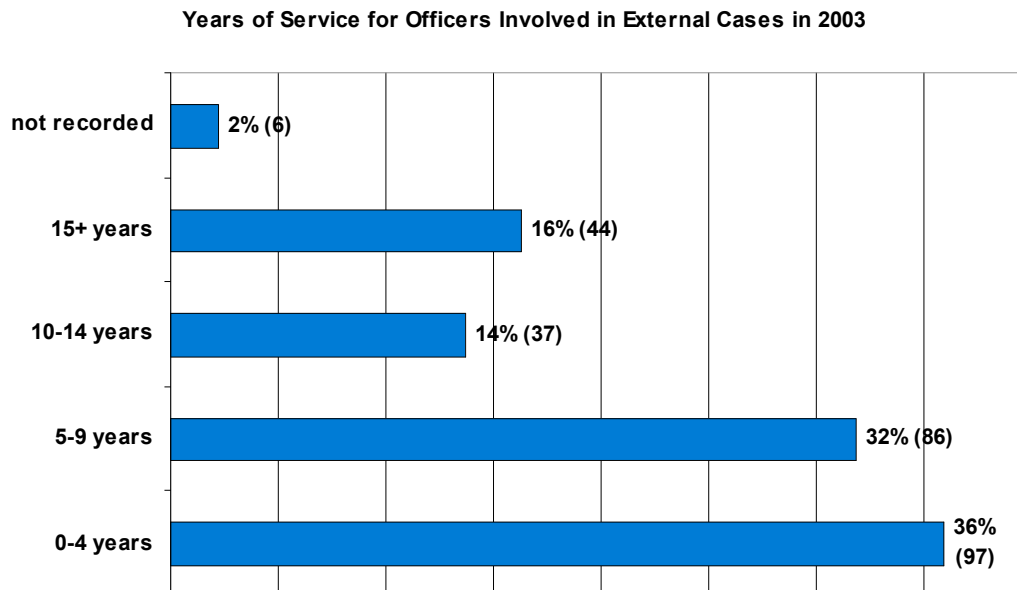
Citizen Follow-Up Options

After IAD's investigative file and the Chain of Command's decision have been reviewed, the complainant is notified of the results of IAD's investigation and the final decision of the Chain of Command. If the citizen is not satisfied or simply wishes to have more information regarding her case, she has two options. One is to request a Police Monitor's Conference (PMC). A PMC entails a meeting with the Police Monitor or Assistant Police Monitor and the complainant. During the PMC details from the IAD file, which by law may be otherwise confidential, are shared with the complainant. The graph below shows that 9 percent of the complainants who filed a Formal complaint rather than a COC inquiry requested a PMC in 2003.

Chart 24.

Requests for Police Monitor Conferences in 2003
Total = 211

Yes
9% (19)

No
91% (192)
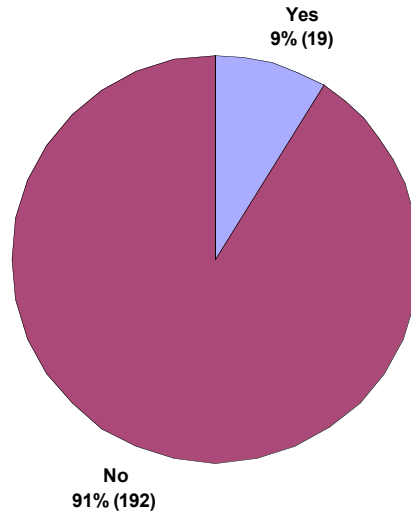
After the PMC, if a complainant continues to have concerns about her case, she can request to present her case to the Citizen Review Panel (CRP). The CRP, which is described in more detail below, meets once a month to review complaints and listen to complainants' concerns about the resolution or processing of their complainants. Once complainants address the CRP and the complaints are reviewed, the CRP is capable of making recommendations to the City Manager, the Chief of Police as well as the City Council. As seen in Chart 25, 7 percent of complainants chose to address the CRP in 2003.

Chart 25.

Requests to Address Citizen Review Panel in 2003
Total = 211

Yes
7% (14)

No
93% (197)
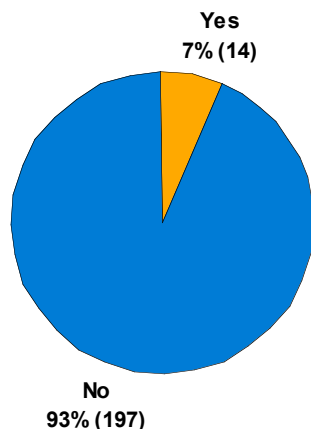
Conclusion

The OPM saw an overall increase in the number of complaints and allegations it handled. The number of complaints monitored by the OPM increased from 2002 to 2003. This increase can be explained in part by the OPM's successful outreach efforts. Unfortunately, some of the increase can also be explained with the occurrence of certain high-profile critical incidences that result in increased exposure for the OPM.

   Interesting findings revealed in the preparation of this report include:
   • A higher proportion of internal complaints compared to external complaints resulted in classification of A's and B's, and therefore full investigations;
   • The concurrence rate between IAD and the OPM is relatively high;
   • A greater proportion of external allegations compared to internal allegations were classified as "Unfounded";
   • Police misconduct is viewed in strikingly different ways by the community and by police officers; and
   • Areas of Austin with high complaint rates include southeast, downtown, and central east areas.

As in most research investigations, while many new facts were revealed, many new questions were also brought to the surface. The OPM will continue to examine these relationships and address additional research questions in subsequent reports.

CITIZEN REVIEW PANEL

The CRP consists of seven volunteer residents of the Austin community. Each member is appointed by the City Manager with input from the City Council. Each member serves a 2-year term with no member serving more than two full consecutive terms. Before sitting on the panel, CRP members received approximately 35 hours of extensive training designed by APD, including, 3-hour ride-alongs in police vehicles in six of the police sectors and a 3-hour walk-along in DTAC, six hours of Internal Affairs training and eight hours of comprehensive APD training.

In 2003 the CRP members included:

Juan Alcala
Roy Butler
Josefina Castillo
George Chang
Celia Israel
Dr. Sterling Lands II
Iris Jones, Non-Voting Chairperson (through July 2003)
Alfred Jenkins, Non-Voting Chairperson (August 2003 – October 2003)
Ashton Cumberbatch, Jr., Non-Voting Chairperson (November – December 2003)

In 2003 the CRP reviewed 14 external cases and two internal cases.

OPM and CRP 2003 RECOMMENDATIONS

Part of the OPM's oversight responsibility includes drafting and issuing recommendations to the City Manager, the Chief of Police, and the City Council. It also assists the CRP in formulating its recommendations. The recommendations made may involve matters pertaining to a particular officer, a particular case, a pattern revealed by several cases, or a policy that should be amended or enacted.

The most common types of recommendations made to IAD/APD include case-specific recommendations made upon completing the review of IAD investigative files including:

- Case reclassification, where the OPM or CRP does not agree with IAD's classification of the case and believes the case would best be resolved by pursuing it under a higher classification;

- Allegation reclassification, which the OPM or CRP recommends when the core of the complainant's concerns lie in a different area of the General Orders than IAD's classification, and the complaint would be best approached in a way that addresses that concern;

- Further investigation of a case is recommended when the OPM determines that all the relevant facts of the case have not been examined or uncovered, for example, IAD failing to speak to a relevant witness; and

- A recommendation for IAD to follow proper administrative complaint procedures, for example, the OPM questioned a new practice of splitting complaints into separate cases with different classifications.

After reviewing particular cases the OPM might also recommend changes to current APD policies and procedures or advocate for the introduction of a new policy or procedure.

The OPM and CRP also can suggest specific training/re-training for an officer who has difficulty employing proper procedure or conduct in a certain area. If the officer exhibits a pattern of more troubling behavior, the OPM will recommend that APD use its supervisors or early warning systems to monitor that officer.

Table 2 shows the number of 2003 OPM and CRP recommendations by type and APD's response to those recommendations. The APD Response to Recommendation column in Table 2 presents the number of recommendations APD acted upon over the total number of recommendations for a specific recommendation category. In 2003 31 percent of recommendations pertained to case reclassification; 21 percent of recommendations pertained to allegation reclassification.

In 2003 17 percent of OPM and CRP recommendations to APD concerned changes in their policies, including: asking IAD to conduct interviews in-person with subject officers instead of allowing the officers to submit memos; instituting hygienic practices during the handling of evidence; revisiting the issue of officer secondary employment; and eliminating subjective measures used to assess public intoxication.

Table 2. OPM/CRP Recommendation Categories and APD Response

Types of Recommendations	Number of Recommendations		Ratio of Recommendations Acted Upon by APD
	OPM	**CRP**	
Reclassify Case	10	3	3/13
Reclassify Allegation	8	1	0/9
Investigate Further	6	1	0/7
Monitor Officer	0	1	*
Request IA Follow Proper Procedure	1	0	0/1
Policy Change	7**	0	3/7
Reminder of Policy & Procedure	3	0	0/3
Addition of Policy	1	0	*
Totals:	36	6	6/42

*Recommendations sent to the Chain/Policy Review Committee for consideration but not yet implemented.
**Recommendation on a policy change regarding Officer Interviews rather than memos was made three times.

The recommendations of the OPM and CRP are not binding on the Chief of Police. However they open up the lines of communication between the two departments and can be an effective way of creating dialogue to discuss the concerns of the community and law enforcement.

COMMUNITY OUTREACH

In 2003 the OPM engaged in more than 70 community outreach events. The OPM primarily participated in meetings arranged by other community organizations. The OPM also met personally with leaders and the community to discuss their objectives and essentials for community policing. The following is a list of OPM outreach efforts for 2003:

Feb. 13, 2003	Austin Energy "Souls of Black Folk" African American Heritage Program featuring keynote speaker Iris Jones, Kramer Lane Service Center.
Feb. 15, 2003	Club Sembradores de Amistad Annual Valentine Ball and Scholarship Banquet, Omni South Hotel.
Feb. 21, 2003	East Rural Community Center's Black History Month Celebration.
Feb. 27, 2003	The Barbara Jordan National Forum on Public Policy, Rejuvenating Ethics, Commitment and Responsibility in Today's American, session "Community Engagement," LBJ School, University of Texas.
March 5, 2003	Capitol Area Progressive Democrats monthly meeting, Austin History Center.
March 6, 2003	Hispanic community leaders invited to a get-acquainted luncheon, Police Monitor office.
March 6, 2003	Tank Farm Tenth Anniversary Celebration sponsored by People Organized in Defense of Earth and Her Resources, Conley-Guerrero Senior Activity Center.
March 13, 2003	Tip-Off 2003 Basketball Game Challenge, Givens Recreation Center, Parks and Recreation Department.
March 15, 2003	Greater Austin Hispanic Chamber of Commerce Annual Banquet, Hyatt Regency Hotel.
March 16, 2003	Sigma Pi Phi Fraternity "Boule" Meeting.
March 28, 2003	Racial Profiling Education and Training for youth, Dove Springs Recreation Center.
March 31, 2003	Racial Profiling Educational Forum, Metz Elementary School.
April 2, 2003	Lanier High School, "Week without Violence"
April 5, 2003	Promotores de El Buen Samaritano,
April 9, 2003	Lanier High School, "Week without Violence"
April 9, 2003	Racial Profiling presentation co-sponsored by the University of Texas Student African American Brotherhood, Office of the Dean of Students and Multicultural Information Center, Taylor Hall
April 14, 2003	Austin Asian American Chamber of Commerce Board of Directors meeting.
April 22, 2003	Black leaders luncheon featuring Councilman Danny Thomas, hosted by the Office of the Police Monitor.

April 26-27, 2003	Cristo Rey Catholic Church. Spanish and English program announcement at masses.
April 30, 2003	Immigrant Services Network of Austin, Cristo Rey La Fuente Learning Center.
May 2, 2003	Travis County 17th Annual Cinco de Mayo Celebration, Wooldridge Park.
May 10, 2003	The Villager Thirtieth Anniversary "A Knockout Celebration," Givens Recreation Center
May 13, 2003	Racial Profiling Educational Forum, Lanier High School
May 15, 2003	Austin Area Interreligious Ministries "No Place for Hate, Personal Stories of Prejudice," Central Christian Church
May 17, 2003	True Light Day Care
May 28, 2003	Austin Neighborhood Council monthly meeting presentation, Austin Energy
June 7, 2003	La Feria de la Calle Cinco, Plaza Saltillo.
June 7, 2003	Passion House Historical Society First Saturday Speaker's Series, Southgate-Lewis House.
June 19, 2003	Annual Juneteenth Celebration "Reaffirming our Faith, Family and Culture," Rosewood Park.
June 22, 2003	Simpson United Methodist Church.
July 11, 2003	Goodwill Industries' Employer Breakfast Consortium.
July 12-15, 2003	National Council of La Raza Annual Conference, Austin Convention Center.
July 24, 2003	Work Source Career.
Aug. 4, 2003	69th Annual Texas Peace Officers Association Awards Banquet and State Conference on "Leadership and Equality," Austin Hilton North Hotel.
August 5, 2003	National Night Out.
August 21, 2003	Consulado General de Mexico.
August 25, 2003	Prayer Vigil for Legislative Justice, David Chapel Missionary Baptist Church.
September 12, 2003	Panelist discussing film "15 Years to Life," presented at the Community Awareness Weekend at the Millennium Entertainment Center.
Sept. 15, 2003	Westcreek Neighborhood Association Quarterly Meeting, Will Hampton Public Library.
Sept. 16, 2003	Consul General of Mexico's 193rd Anniversary of the Independence of Mexico, Four Seasons Hotel.
Sept. 19, 2003	Meeting with NAACP.

Sept. 20, 2003	American Association of University Women September meeting, Onion Creek Country Club.
Sept. 17, 2003	Work Source Career Center South.
Sept. 25, 2003	Brown Bag Lunch, Zavala Elementary School.
Sept. 27, 2003	The Immigrant Workers Freedom Ride Rally, El Buen Samaritano Episcopal Mission.
Oct. 3, 2003	The Texas Exes of the University of Texas 2003 Distinguished Alumnus Awards, Alumni Center.
Oct. 23, 2003	Brown Bag Luncheon, Zavala Elementary School.
Oct. 23, 2003	LULAC meeting, Juan in a Million.
Oct. 28, 2003	Leadership Austin reception.
Oct. 29, 2003	Immigrant Services Network quarterly meeting, La Fuente Learning Center, Cristo Rey Catholic Church.
Oct. 30, 2003	Zavala Elementary School Fall Festival.
Nov. 5, 2003	YMCA hosts original print of Declaration of Independence, reception and viewing.
Nov. 5, 2003	Capital City Lions Club.
Nov. 6, 2003	Mexican President Vicente Fox presentation sponsored by the Consulate General of Mexico and the University of Texas, LBJ Library Auditorium and Museum.
Nov. 7, 2003	Marian Wright Edelman, Children's Defense Fund founder, reception, University of Texas LBJ Library and Museum.
Nov. 8, 2003	Immigrant Outreach Safety Fair, Austin Police Department.
Nov. 10, 2003	Career Day presentations at Zavala Elementary.
Nov. 12, 2003	El Buen Samaritano Open House.
Nov. 17, 2003	La Prensa's 17th Anniversary Celebration and Community Awards Ceremony, Nuevo Leon Restaurant.
Nov.18, 2003	Austin Criminal Defense Lawyers Association, State Bar Building.
Nov. 18, 2003	New York Avenue Christian Center Fellowship and Open House.
Nov. 19, 2003	The Network monthly meeting.
Dec. 2, 2003	Leadership Austin Holiday Party, the University of Texas System Bauer House.
Dec. 5, 2003	Amigos En Azul Christmas Party, H & H Ballroom.
Dec. 6, 2003	University of Texas Orange Santa, Belmont Hall.

Dec. 6, 2003   38th Annual NAACP DeWitty-Overton Freedom Awards Fund Banquet, Hilton Austin.

Dec. 9, 2003   Urban League Annual Business Luncheon, Hyatt Regency Texas Ballroom.

Dec. 12, 2003   Kealing Junior High School's Christopher R. Davis' Texas History Honors and Excel classes.

Dec. 12, 2003   University of Texas African American Staff Advocating Progress Annual Holiday and Scholarship Awards Banquet, Campus Club.

Dec. 13, 2003   Junior League of Austin's Coats for Kids, Palmer Events Center.

Dec. 16, 2003   Intake at Consulate General of Mexico.

Dec. 17, 2003   Univision Tour and Interview.

Dec. 18, 2003   Holy Cross Catholic Church's Social Justice Ministry monthly meeting.